

**OCT 18 2005****CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS****NOT FOR PUBLICATION****UNITED STATES COURT OF APPEALS****FOR THE NINTH CIRCUIT**

---

**UNITED STATES OF AMERICA,****Plaintiff - Appellee,****v.****TEFFANY TANEE CRAIN,****Defendant - Appellant.**

---

**No. 04-50026****D.C. No. CR-02-00357-RSWL-02****MEMORANDUM\***

**Appeal from the United States District Court  
for the Central District of California  
Ronald S.W. Lew, District Judge, Presiding**

**Submitted October 11, 2005\*\***

**Before: T.G. NELSON, WARDLAW, and TALLMAN, Circuit Judges.**

**Teffany Tanee Crain appeals the sentence imposed following her conviction for armed bank robbery, in violation of 18 U.S.C. § 2113(a) and (d). We have jurisdiction under 28 U.S.C. § 1291, and based upon the government's concession we reverse the conviction, vacate the sentence and remand.**

---

**\* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.**

**\*\* This panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).**

Although Crain raises no contentions about her conviction, we are persuaded by the government's concession that the evidence presented to the district court supports only a conviction for unarmed bank robbery. *See United States v. Coleman*, 208 F.3d 786, 793 (9th Cir. 2000) (citing *United States v. Dinkane*, 17 F.3d 1192, 1195 (9th Cir. 1994)) ("In order to convict a defendant for armed bank robbery under an aiding and abetting theory, this circuit requires the government to show beyond a reasonable doubt both that the defendant knew that the principal had and intended to use a dangerous weapon during the robbery, and that the defendant intended to aid in that endeavor.").

Accordingly, we reverse the conviction for armed bank robbery and direct the district court on remand to enter a conviction for unarmed bank robbery. *See Coleman*, 208 F.3d at 792-94; *Dinkane*, 17 F.3d at 1200. We vacate the sentence and remand to the district court for further proceedings.

**CONVICTION REVERSED; SENTENCE VACATED; REMANDED.**